

ASSEMBLY BILL

No. 107

Introduced by Assembly Members Galgiani and Conway

January 12, 2009

An act to amend Sections 4802, 4808, 4810, 4848, 4848.3, 4849, 4875, 4875.2, 4875.6, 4876, 4883, 4885, 4886, 4887, 4900, 4901, 4901.1, and 4901.2 of the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as introduced, Galgiani. Veterinarians and registered veterinary technicians.

Existing law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians, and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which consists of 7 members, 3 of whom are public members and 4 of whom are licensed veterinarians. Existing law requires the Governor to appoint the 4 licensed veterinarians and the Senate Committee on Rules and the Speaker of the Assembly to each appoint a public member. Existing law requires the board to ascertain, by means of examination, the professional qualifications of applicants for licensure to practice veterinary medicine and to issue a license to every person whom it finds to be qualified. Existing law requires that the examination consist of a licensing examination administered on a national basis, a state board examination, and an examination concerning the statutes and regulations of the act administered by the board. Existing law requires that the complete examination be given at least once each year. Existing law requires the board to waive the examination requirement and issue a temporary

license valid for one year to an applicant under the supervision of another California-licensed veterinarian under specified conditions. Existing law authorizes the board to issue citations to, place on probation, and revoke or suspend the license of, a licensed veterinarian who violates the act. Existing law authorizes the board to revoke or suspend the registration of a registered veterinary technician who violates the act. Under existing law, veterinary licenses and veterinary technician registrations expire after a 2-year term but may be renewed at any time within 5 years after expiration, as specified. Under existing law, revoked licenses are subject to expiration, and if the revoked license is reinstated, specified fees are required to be paid.

This bill would specify that the Governor shall appoint 5 members to the board, including one public member. The bill would require that the state board examination for licensure as a veterinarian be given at least twice each year, require the board to waive the examination requirement and issue a license to an applicant if he or she meets certain requirements, including holding a license in good standing in another state and having practiced clinical veterinary medicine for a specified amount of time, and also revise the requirements for issuance of a temporary license to practice veterinary medicine. The bill would authorize the board to assess fines and issue citations to, and place on probation, a registered veterinary technician who violates the Veterinary Medicine Practice Act. The bill would make the provisions of the act relative to revocation and reinstatement of licenses applicable to veterinary technician registrations. Because fees for the reinstatement of a revoked veterinary technician registration collected by the board pursuant to these provisions would be deposited in the Veterinary Medical Board Contingent Fund, which is a continuously appropriated fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4802 of the Business and Professions
- 2 Code is amended to read:
- 3 4802. The members of the board shall hold office for a term
- 4 of four years. Each member shall serve until the appointment and
- 5 qualification of his or her successor or until one year shall have
- 6 elapsed since the expiration of the term for which he or she was

appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801.

Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur.

The Governor shall appoint ~~the four members qualified as provided in Section 4801~~ *five members, one of whom shall be a public member*. The Senate ~~Rules Committee~~ *Committee on Rules* and the Speaker of the Assembly shall each appoint a public member.

SEC. 2. Section 4808 of the Business and Professions Code is amended to read:

4808. The board may in accordance with the provisions of the Administrative Procedure Act, adopt, amend, or repeal ~~such~~ rules and regulations ~~as that~~ are reasonably necessary to carry into effect the provisions of this chapter. The board may hold ~~such~~ meetings ~~as that~~ are necessary for the transaction of business. It shall issue all licenses to practice veterinary medicine *and all registrations to practice as a veterinary technician in this State state*.

SEC. 3. Section 4810 of the Business and Professions Code is amended to read:

4810. As used in this chapter:

(a) "Board" means the Veterinary Medical Board.

(b) "Committee" ~~or "examining committee"~~ means the Registered Veterinary Technician ~~Examining~~ Committee.

(c) "Regulations" means the rules and regulations set forth in Division 20 (commencing with Section 2000) of Title 16 of the California Code of Regulations.

SEC. 4. Section 4848 of the Business and Professions Code is amended to read:

4848. (a) (1) The board shall, by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this state and shall issue a license to every person whom it finds to be qualified. No license shall be issued to anyone who has not demonstrated his or her competency by examination.

(2) The examination shall consist of each of the following:

(A) A licensing examination that is administered on a national basis.

(B) A California state board examination.

(C) An examination concerning those statutes and regulations of the Veterinary Medicine Practice Act administered by the board. The examination shall be administered by mail and provided to applicants within 10 to 20 days of eligibility determination. The board shall have 10 to 20 days from the date of receipt to process the examination and provide candidates with the results of the examination. The applicant shall certify that he or she personally completed the examination. Any false statement is a violation subject to Section 4831. University of California and Western University of Health Sciences veterinary medical students who have successfully completed a ~~board-approved~~ *board-approved* course on veterinary law and ethics covering the Veterinary Medicine Practice Act shall be exempt from this provision.

(3) The examinations may be given at the same time or at different times as determined by the board. For examination purposes, the board may make contractual arrangements on a sole source basis with organizations furnishing examination material as it may deem desirable and shall be exempt from Section 10115 of the Public Contract Code.

(4) The licensing examination may be waived by the board in any case in which it determines that the applicant has taken and passed an examination for licensure in another state substantially equivalent in scope and subject matter to the licensing examination last given in California before the determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass the licensing examination administered in California.

(5) Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program, as determined by the board, in a veterinary college recognized by the board under Section 4846 to take any examination or any part thereof prior to satisfying the requirements for application for a license established by Section 4846.

~~(b) The~~ *For purposes of reciprocity, the* board shall waive the examination requirements of subdivision (a), and issue a ~~temporary~~ license ~~valid for one year~~ to an applicant to practice veterinary medicine ~~under the supervision of another licensed California veterinarian in good standing~~ if the applicant meets all of the following requirements and would not be denied issuance of a license by any other provision of this code:

1 (1) The applicant holds a current valid license in good standing
2 in another state, Canadian province, or United States territory ~~and~~
3 ~~has practiced clinical veterinary medicine for a minimum of four~~
4 ~~years full-time and, within the five~~ *three* years immediately
5 preceding filing an application for licensure in this state, *has*
6 *practiced clinical veterinary medicine for a minimum of two years*
7 *and completed a minimum of 2,944 hours of clinical practice.*
8 Experience obtained while participating in an American Veterinary
9 Medical Association (AVMA) accredited institution's internship,
10 residency, or specialty board training program shall be valid for
11 meeting the minimum experience requirement.

12 The term "in good standing" means that an applicant under this
13 section:

14 (A) Is not currently under investigation nor has been charged
15 with an offense for any act substantially related to the practice of
16 veterinary medicine by any public agency, nor entered into any
17 consent agreement or *been* subject to an administrative decision
18 that contains conditions placed by an agency upon an applicant's
19 professional conduct or practice, including any voluntary surrender
20 of license, nor been the subject of an adverse judgment resulting
21 from the practice of veterinary medicine that the board determines
22 constitutes evidence of a pattern of incompetence or negligence.

23 (B) Has no physical or mental impairment related to drugs or
24 alcohol, and has not been found mentally incompetent by a
25 physician so that the applicant is unable to undertake the practice
26 of veterinary medicine in a manner consistent with the safety of a
27 patient or the public.

28 (2) At the time of original licensure, the applicant passed the
29 national licensing requirement in veterinary science with a passing
30 score or scores on the examination or examinations equal to or
31 greater than the passing score required to pass the national licensing
32 examination or examinations administered in this state.

33 (3) The applicant has either graduated from a veterinary college
34 recognized by the board under Section 4846 or possesses a
35 certificate issued by the Educational Commission for Foreign
36 Veterinary Graduates (ECFVG) *or the Program for the Assessment*
37 *of Veterinary Education Equivalence (PAVE).*

38 (4) The applicant passes an examination concerning the statutes
39 and regulations of the Veterinary Medicine Practice Act,

1 administered by the board, pursuant to subparagraph (C) of
2 paragraph (2) of subdivision (a).

3 (5) The applicant ~~agrees to complete~~ *completes* an approved
4 educational curriculum on regionally specific and important
5 diseases and conditions ~~during the period of temporary licensure~~.
6 The board, in consultation with the California Veterinary Medical
7 Association (CVMA), shall approve educational curricula that
8 cover appropriate regionally specific and important diseases and
9 conditions that are common in California. The curricula shall focus
10 on small and large animal diseases consistent with the current
11 proportion of small and large animal veterinarians practicing in
12 the state. The approved curriculum shall not exceed 30 hours of
13 educational time. ~~The board shall approve a curriculum as soon~~
14 ~~as practical, but not later than June 1, 1999.~~ The approved
15 curriculum may be offered by multiple providers so that it is widely
16 accessible to candidates licensed under this subdivision.

17 (c) ~~Upon receipt of acknowledgment of successful completion~~
18 ~~of the requirements set forth in subdivision (b), the~~ *The board shall*
19 *issue a temporary license valid for one year to the an applicant.*
20 ~~Any applicant who does not meet the requirements of subdivision~~
21 ~~(b) shall take a California state board examination as specified in~~
22 ~~subparagraph (B) of paragraph (2) of subdivision (a): to practice~~
23 ~~veterinary medicine under the supervision of another~~
24 ~~California-licensed veterinarian in good standing if the applicant~~
25 ~~satisfies all of the following requirements:~~

26 (1) *The applicant meets the requirements of paragraphs (1) to*
27 *(4), inclusive, of subdivision (b).*

28 (2) *The applicant would not be denied issuance of a license*
29 *under any other provision of this chapter.*

30 (3) *The applicant agrees to complete the approved educational*
31 *curriculum described in paragraph (5) of subdivision (b) on*
32 *regionally specific and important diseases and conditions during*
33 *the period of temporary licensure.*

34 (d) *Upon completion of the curriculum described in paragraph*
35 *(5) of subdivision (b), a temporary licensee shall submit an*
36 *application for full licensure accompanied by verification of*
37 *completion of that curriculum and all applicable fees.*

38 ~~(d)~~

39 (e) *The board, in its discretion, may extend the expiration date*
40 *of a temporary license issued pursuant to subdivision (b) (c) for*

1 not more than one year for reasons of health, military service, or
2 undue hardship. An application for an extension shall be submitted
3 on a form provided by the board.

4 SEC. 5. Section 4848.3 of the Business and Professions Code
5 is amended to read:

6 4848.3. (a) The board shall issue a temporary license valid for
7 one year to an applicant accepted into a qualifying internship or
8 residency program that meets all of the following requirements:

9 (1) Program participants have either graduated from a veterinary
10 college recognized by the board under Section 4846 or possess a
11 certificate issued by the Educational Commission for Foreign
12 Veterinary Graduates *or the Program for the Assessment of*
13 *Veterinary Education Equivalency*, and hold a current valid license
14 in good standing in another state, Canadian province, or United
15 States territory.

16 (2) Program participants are under the direct supervision of a
17 board-certified California-licensed veterinarian in good standing.

18 (3) Two or more board-certified specialists are on the staff of
19 the veterinary practice.

20 (4) The program undergoes annual evaluation and is approved
21 by one or more existing organizations officially recognized for
22 that purpose by the board. ~~The board shall designate one or more~~
23 ~~organizations for this purpose no later than January 31, 1999, and~~
24 ~~the evaluation and approval process shall begin no later than March~~
25 ~~1, 1999.~~

26 (b) The temporary license issued pursuant to this section shall
27 only be valid for activities performed in the course of, and
28 incidental to, a qualifying internship or residency program.

29 SEC. 6. Section 4849 of the Business and Professions Code is
30 amended to read:

31 4849. ~~The complete state board examination~~ shall be given at
32 ~~least once twice~~ each year. It shall include all ~~such the~~ subjects as
33 ~~that~~ are ordinarily included in the curricula of veterinary colleges
34 in good standing and may include ~~such any~~ other subjects as ~~that~~
35 the board may by rule authorize and direct.

36 SEC. 7. Section 4875 of the Business and Professions Code is
37 amended to read:

38 4875. The board may revoke or suspend for a certain time the
39 license *or registration* of any person to practice veterinary medicine
40 or any branch thereof in this state after notice and hearing for any

1 of the causes provided in this article. In addition to its authority
2 to suspend or revoke a license *or registration*, the board shall have
3 the authority to assess a fine not in excess of five thousand dollars
4 (\$5,000) against a licensee *or registrant* for any of the causes
5 specified in Section 4883. A fine may be assessed in lieu of or in
6 addition to a suspension or revocation. The proceedings under this
7 article shall be conducted in accordance with Chapter 5
8 (commencing with Section 11500) of Part 1 of Division 3 of Title
9 2 of the Government Code, and the board shall have all the powers
10 granted therein. Notwithstanding the provisions of Section 4903,
11 all fines collected pursuant to this section shall be deposited to the
12 credit of the Veterinary Medical Board Contingent Fund.

13 SEC. 8. Section 4875.2 of the Business and Professions Code
14 is amended to read:

15 4875.2. If, upon completion of an investigation, the executive
16 officer has probable cause to believe that a veterinarian, *a*
17 *registered veterinary technician*, or an unlicensed *or unregistered*
18 person acting as a veterinarian *or a registered veterinary technician*
19 has violated provisions of this chapter, he or she may issue a
20 citation to the veterinarian, *registered veterinary technician*, or
21 unlicensed person, as provided in this section. Each citation shall
22 be in writing and shall describe with particularity the nature of the
23 violation, including a reference to the provision of this chapter
24 alleged to have been violated. In addition, each citation may contain
25 an order of abatement fixing a reasonable time for abatement of
26 the violation, and may contain an assessment of a civil penalty.
27 The citation shall be served upon the veterinarian, *registered*
28 *veterinary technician*, or unlicensed individual personally or by
29 any type of mailing requiring a return receipt. Before any citation
30 may be issued, the executive officer shall submit the alleged
31 violation for review and investigation to at least one designee of
32 the board who is a veterinarian licensed in or employed by the
33 state. The review shall include attempts to contact the veterinarian,
34 *registered veterinary technician*, or unlicensed person to discuss
35 and resolve the alleged violation. Upon conclusion of the board
36 ~~designee's~~ *designee's* review, the designee shall prepare a finding
37 of fact and a recommendation. If the board designee concludes
38 that probable cause exists that the veterinarian, *registered*
39 *veterinary technician*, or unlicensed person has violated any

1 provisions of this chapter, a civil citation shall be issued to the
2 veterinarian, *registered veterinary technician*, or unlicensed person.

3 SEC. 9. Section 4875.6 of the Business and Professions Code
4 is amended to read:

5 4875.6. (a) If a veterinarian, *a registered veterinary technician*,
6 or an unlicensed person desires to administratively contest a civil
7 citation or the proposed assessment of a civil penalty therefor, he
8 or she shall, within 10 business days after receipt of the citation,
9 notify the executive officer in writing of his or her request for an
10 informal conference with the executive officer or his or her
11 designee. The executive officer or his or her designee shall hold,
12 within 60 days from the receipt of the request, an informal
13 conference. At the conclusion of the informal conference, the
14 executive officer may affirm, modify, or dismiss the citation or
15 proposed assessment of a civil penalty, and he or she shall state
16 with particularity in writing his or her reasons for the action, and
17 shall immediately transmit a copy thereof to the board, the
18 veterinarian, *registered veterinary technician*, or unlicensed person,
19 and the person who submitted the verified complaint. If the
20 veterinarian, *registered veterinary technician*, or unlicensed person
21 desires to administratively contest under subdivision (c) a decision
22 made after the informal conference, he or she shall inform the
23 executive officer in writing within 30 calendar days after he or she
24 receives the decision resulting from the informal conference.

25 If the veterinarian, *registered veterinary technician*, or unlicensed
26 person fails to notify the executive officer in writing that he or she
27 intends to contest the citation or the proposed assessment of a civil
28 penalty therefor or the decision made after an informal conference
29 within the time specified in this subdivision, the citation or the
30 proposed assessment of a civil penalty or the decision made after
31 an informal conference shall be deemed a final order of the board
32 and shall not be subject to further administrative review.

33 Notwithstanding any other provision of law, where a fine is paid
34 to satisfy an assessment based on the finding of a violation,
35 payment of the fine shall be represented as satisfactory resolution
36 of the matter for purposes of public disclosure.

37 (b) A veterinarian, *a registered veterinary technician*, or an
38 unlicensed person may, in lieu of contesting a citation pursuant to
39 this section, transmit to the board the amount assessed in the
40 citation as a civil penalty, within 10 business days after receipt of

1 the citation. An unlicensed person may notify the board and file a
2 petition for a writ of administrative mandamus under Section
3 1094.5 of the Code of Civil Procedure within 30 calendar days
4 after receipt of the citation, without engaging in an informal
5 conference or administrative hearing. If a petition is not filed
6 pursuant to this section, payment of any fine shall not constitute
7 an admission of the violation charged.

8 (c) If a veterinarian, *a registered veterinary technician*, or an
9 unlicensed person has notified the executive officer that he or she
10 intends to administratively contest the decision made after the
11 informal conference, the executive officer shall forward the matter
12 to the Attorney General's office who shall prepare a notice of
13 appeal of the citation and civil penalty. After the hearing, the board
14 and administrative law judge shall issue a decision, based on
15 findings of fact, affirming, modifying, or vacating the citation, or
16 directing other appropriate relief ~~which~~ *that* shall include, but need
17 not be limited to, a notice that the failure of a veterinarian,
18 *registered veterinary technician*, or unlicensed person to comply
19 with any provision of the board's decision constitutes grounds for
20 suspension; or denial of licensure, or both, *or suspension or denial*
21 *of registration, or both*. The administrative proceedings under this
22 section shall be conducted in accordance with the Administrative
23 Procedure Act (Chapter 5 (commencing with Section 11500) of
24 Part 1 of Division 3 of Title 2 of the Government Code), and the
25 board shall have all the powers granted therein.

26 (d) After the exhaustion of the review procedures provided for
27 in this section or if the time for all appeals has passed, the board
28 may bring an action in the appropriate court in the county in which
29 the offense occurred to recover the civil penalty and obtain an
30 order compelling the cited person to comply with the order of
31 abatement. In that action, the complaint shall include a certified
32 copy of the final order of the board, together with the factual
33 findings and determinations of the board and administrative law
34 judge. The findings shall be prima facie evidence of the facts stated
35 therein, and in the absence of contrary evidence may serve as the
36 basis for the issuance of the judgment and order.

37 (e) Failure of a licensee *or registrant* to pay a civil penalty
38 within 30 days of the date of receipt of the assessment, unless the
39 citation is being appealed, may result in disciplinary action being
40 taken by the board. When a citation is not contested and a civil

1 penalty is not paid, the full amount of the assessed civil penalty
2 shall be added to the fee for renewal of the license *or registration*.
3 A license *or registration* shall not be renewed without payment
4 of the renewal fee and civil penalty.

5 (f) Any civil penalties received under this chapter shall be
6 deposited in the Veterinary Medical Board Contingent Fund.

7 SEC. 10. Section 4876 of the Business and Professions Code
8 is amended to read:

9 4876. In addition to its authority to suspend or revoke a license
10 *or registration*, or assess a fine ~~of~~ *on* a person licensed *or*
11 *registered* under this chapter, the board shall have the authority to
12 place a licensee *or registrant* on probation. The authority of the
13 board to discipline by placing the licensee *or registrant* on
14 probation shall include, but is not limited to, the following:

15 (a) Requiring the licensee *or registrant* to complete a course of
16 study or service, or both, as prescribed by the board, and to
17 demonstrate renewed competence to the satisfaction of the board.

18 (b) Requiring the licensee *or registrant* to submit to a complete
19 diagnostic examination by one or more physicians appointed by
20 the board. If the board requires a licensee *or registrant* to submit
21 to ~~such an~~ *that* examination, the board shall receive and consider
22 any other report of a complete diagnostic examination given by
23 one or more physicians of the licensee's *or registrant's* choice.

24 (c) Restricting or limiting the extent, scope, or type of practice
25 of the licensee *or registrant*.

26 SEC. 11. Section 4883 of the Business and Professions Code
27 is amended to read:

28 4883. The board may deny, revoke, or suspend a license *or*
29 *registration* or assess a fine as provided in Section 4875 for any
30 of the following:

31 (a) Conviction of a crime substantially related to the
32 qualifications, functions, or duties of veterinary medicine, surgery,
33 or dentistry, in which case the record of the conviction shall be
34 conclusive evidence.

35 (b) For having professional connection with, or lending ~~one's~~
36 *the licensee's or registrant's* name to, any illegal practitioner of
37 veterinary medicine and the various branches thereof.

38 (c) Violation or attempting to violate, directly or indirectly, any
39 of the provisions of this chapter.

1 (d) Fraud or dishonesty in applying, treating, or reporting on
2 tuberculin or other biological tests.

3 (e) Employment of anyone but a veterinarian licensed in the
4 state to demonstrate the use of biologics in the treatment of animals.

5 (f) False or misleading advertising.

6 (g) Unprofessional conduct, that includes, but is not limited to,
7 the following:

8 (1) Conviction of a charge of violating any federal statutes or
9 rules or any statute or rule of this state regulating dangerous drugs
10 or controlled substances. The record of the conviction is conclusive
11 evidence thereof. A plea or verdict of guilty or a conviction
12 following a plea of *nolo contendere* is deemed to be a conviction
13 within the meaning of this section. The board may order the license
14 *or registration to be* suspended or revoked, or assess a fine, or
15 decline to issue a license *or registration*, when the time for appeal
16 has elapsed, or the judgment of conviction has been affirmed on
17 appeal or when an order granting probation is made suspending
18 the imposition of sentence, irrespective of a subsequent order under
19 Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the
20 person to withdraw his or her plea of guilty and to enter a plea of
21 not guilty, or setting aside the verdict of guilty, or dismissing the
22 accusation, information, or indictment.

23 (2) (A) The use of or prescribing for or administering to himself
24 or herself, any controlled substance.

25 (B) The use of any of the dangerous drugs specified in Section
26 4022, or of alcoholic beverages to the extent, or in any manner as
27 to be dangerous or injurious to a person licensed *or registered*
28 under this chapter, or to any other person or to the public, or to the
29 extent that the use impairs the ability of the person so licensed *or*
30 *registered* to conduct with safety the practice authorized by the
31 license *or registration*.

32 (C) The conviction of more than one misdemeanor or any felony
33 involving the use, consumption, or self-administration of any of
34 the substances referred to in this section or any combination
35 thereof, and the record of the conviction is conclusive evidence.

36 A plea or verdict of guilty or a conviction following a plea of
37 *nolo contendere* is deemed to be a conviction within the meaning
38 of this section. The board may order the license *or registration to*
39 *be* suspended or revoked or assess a fine, or may decline to issue
40 a license *or registration*, when the time for appeal has elapsed or

1 the judgment of conviction has been affirmed on appeal or when
2 an order granting probation is made suspending imposition of
3 sentence, irrespective of a subsequent order under Section 1203.4,
4 *1210.1, or 3063.1* of the Penal Code allowing the person to
5 withdraw his or her plea of guilty and to enter a plea of not guilty,
6 or setting aside the verdict of guilty, or dismissing the accusation,
7 information, or indictment.

8 (3) A violation of any federal statute, rule, or regulation or any
9 of the statutes, rules, or regulations of this state regulating
10 dangerous drugs or controlled substances.

11 (h) Failure to keep ~~one's~~ *the licensee's or registrant's* premises
12 and all equipment therein in a clean and sanitary condition.

13 (i) Fraud, deception, negligence, or incompetence in the practice
14 of veterinary medicine.

15 (j) Aiding or abetting in any acts that are in violation of any of
16 the provisions of this chapter.

17 (k) The employment of fraud, misrepresentation, or deception
18 in obtaining the license *or registration*.

19 (l) The revocation, suspension, or other discipline by another
20 state or territory of a license ~~or~~, certificate, *or registration* to
21 practice veterinary medicine *or as a veterinary technician* in that
22 state or territory.

23 (m) Cruelty to animals, conviction on a charge of cruelty to
24 animals, or both.

25 (n) Disciplinary action taken by any public agency in any state
26 or territory for any act substantially related to the practice of
27 veterinary medicine *or the practice of a veterinary technician*.

28 (o) Violation, or the assisting or abetting violation, of any
29 regulations adopted by the board pursuant to this chapter.

30 SEC. 12. Section 4885 of the Business and Professions Code
31 is amended to read:

32 4885. A plea or verdict of guilty or a conviction following a
33 plea of nolo contendere made to a charge of a felony or of any
34 offense related to the practice of veterinary medicine *or the practice*
35 *of a veterinary technician* is deemed to be a conviction within the
36 meaning of this article. The board may order the license *or*
37 *registration to be* suspended or revoked, or assess a fine as
38 provided in Section 4883 or may decline to issue a license *or*
39 *registration*, when the time for appeal has elapsed, or the judgment
40 of conviction has been affirmed on appeal or when an order

1 granting probation is made suspending the imposition of sentence,
2 irrespective of a subsequent order under the provisions of Section
3 1203.4, 1210.1, or 3063.1 of the Penal Code allowing ~~such that~~
4 person to withdraw his *or her* plea of guilty and to enter a plea of
5 not guilty, or setting aside the verdict of guilty, or dismissing the
6 accusation, information, or indictment.

7 SEC. 13. Section 4886 of the Business and Professions Code
8 is amended to read:

9 4886. In reinstating a license ~~which~~ *or registration that* has
10 been revoked or suspended under Section 4883, the board may
11 impose terms and conditions to be followed by the licensee *or*
12 ~~registrant~~ after the ~~certificate~~ *license or registration* has been
13 reinstated. The authority of the board to impose terms and
14 conditions includes, but is not limited to, the following:

15 (a) Requiring the licensee *or registrant* to obtain additional
16 professional training and to pass an examination upon completion
17 of the training.

18 (b) Requiring the licensee *or registrant* to pass an oral, written,
19 practical, or clinical examination, or any combination thereof to
20 determine his or her present fitness to engage in the practice of
21 veterinary medicine *or to practice as a veterinary technician*.

22 (c) Requiring the licensee *or registrant* to submit to a complete
23 diagnostic examination by one or more physicians appointed by
24 the board. If the board requires the licensee *or registrant* to submit
25 to ~~such an~~ *that* examination, the board shall receive and consider
26 any other report of a complete diagnostic examination given by
27 one or more physicians of the licensee's *or registrant's* choice.

28 (d) Restricting or limiting the extent, scope, or type of practice
29 of the licensee *or registrant*.

30 SEC. 14. Section 4887 of the Business and Professions Code
31 is amended to read:

32 4887. A person whose license *or registration* has been revoked
33 or who has been placed on probation may petition the board for
34 reinstatement or modification of penalty including modification
35 or termination of probation after a period of not less than one year
36 has elapsed from the effective date of the decision ordering ~~such~~
37 *the* disciplinary action. The petition shall state such facts as may
38 be required by the board.

39 The petition shall be accompanied by at least two verified
40 recommendations from veterinarians licensed by the board who

1 have personal knowledge of the activities of the petitioner since
2 the disciplinary penalty was imposed. The petition shall be heard
3 by the board. The board may consider all activities of the petitioner
4 since the ~~disciplinary~~ *disciplinary* action was taken, the offense for
5 which the petitioner was disciplined, the petitioner's activities
6 since the ~~certificate~~ *license or registration* was in good standing,
7 and the petitioner's rehabilitation efforts, general reputation for
8 truth, and professional ability. The hearing may be continued from
9 time to time as the board finds necessary.

10 The board reinstating the *license or registration* or modifying a
11 penalty may impose such terms and conditions as it determines
12 necessary. To reinstate a revoked ~~certificate~~ *license or registration*
13 or to otherwise reduce a penalty or modify probation shall require
14 a vote of four of the members of the board.

15 The petition shall be considered while the petitioner is under
16 sentence for any criminal offense, including any period during
17 which the petitioner is on court-imposed probation or parole. The
18 board may deny without a hearing or argument any petition filed
19 pursuant to this section within a period of two years from the
20 effective date of the prior decision following a hearing under this
21 section.

22 SEC. 15. Section 4900 of the Business and Professions Code
23 is amended to read:

24 4900. (a) All veterinary licenses and ~~animal health~~ *veterinary*
25 technician ~~certificates~~ *registrations* shall expire at 12 midnight of
26 the last day of the birth month of the licensee or ~~certificate holder~~
27 *registrant* during the second year of a two-year term if not renewed.

28 (b) The board shall establish by regulation procedures for the
29 administration of a ~~birthdate~~ *birth date* renewal program, including,
30 but not limited to, the establishment of a system of staggered
31 license and ~~certificate~~ *registration* expiration dates and a pro rata
32 formula for the payment of renewal fees by veterinarians and
33 ~~animal health~~ *registered veterinary* technicians affected by the
34 implementation of the program.

35 (c) To renew an unexpired license or ~~certificate~~ *registration*,
36 the licensee or ~~certificate holder~~ *registrant* shall, on or before the
37 date of expiration of the license or ~~certificate~~ *registration*, apply
38 for renewal on a form provided by the board, accompanied by the
39 prescribed renewal fee.

(d) Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever occurs last. If so renewed, the license or ~~certificate~~ *registration* shall continue in effect through the expiration date provided in this section which next occurs after the effective date of the renewal, when it shall expire, if it is not again renewed.

SEC. 16. Section 4901 of the Business and Professions Code is amended to read:

4901. Except as otherwise provided in this chapter, an expired license *or registration* may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license *or registration* is renewed more than 30 days after its expiration, the licensee *or registrant*, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license *or registration* shall continue in effect through the expiration date provided in Section 4900 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 17. Section 4901.1 of the Business and Professions Code is amended to read:

4901.1. A license ~~which~~ *or registration that* is suspended is subject to expiration, and shall be renewed as provided in this chapter, but ~~such that~~ renewal does not entitle the licensee *or registrant*, while the license *or registration* remains suspended and until it is reinstated, to engage in the licensed *or registered* activity, or in any other activity in violation of the order or judgment by which ~~it the~~ *the license or registration* was suspended.

SEC. 18. Section 4901.2 of the Business and Professions Code is amended to read:

4901.2. A revoked license *or registration* is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee *or registrant*, as a condition precedent to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last

- 1 regular renewal date before the date on which it is reinstated plus
- 2 the delinquency fee, if any, accrued at the time of its revocation.

O